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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,686	03/30/2001	Thomas N. Turba	#RA 5362 (33012/309/101)	9229
27516	7590	01/26/2005	EXAMINER	
UNISYS CORPORATION				NGUYEN, MERILYN P
MS 4773				ART UNIT
PO BOX 64942				PAPER NUMBER
ST. PAUL, MN 55164-0942				2161

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/822,686	TURBA ET AL.
	Examiner	Art Unit
	Marilyn P Nguyen	2171

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 August 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 March 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: *Detailed action* .

### **DETAILED ACTION**

1. In response to the communication dated 08/09/2004, claims 1-20 are active in this application.

#### *Acknowledges*

2. Receipt is acknowledged of the following items from the Applicant:
  - o The applicant's amendments have been considered and made of record.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Beall (US 6,169,992).

Regarding claim 1, Beall discloses in a data processing system (Figs. 1-3) having a user terminal (Client Computer 4018) operated by a user which builds a service providing a related sequence of manipulations of data within a data base management system (Col. 43, lines 48-56 and col. 50, lines 9-16) which responds to said service by executing an ordered sequence of command language script (787, Fig. 43, col. 36, line 64 to col. 37, line 35) responsively coupled

to said user terminal via a publicly accessible digital data communication network (Col. 3, line 20 to Col. 4, line 27), the improvement comprising:

a data wizard (Figures 27-31) which permits said user to specify said service as a plurality of discrete and independent steps (Col. 30, line 1 to Col. 31, line 11) corresponding to said ordered sequence of command language script (See col. 37, lines 14-21).

Regarding claim 6, Beall discloses apparatus comprising:

a. a user terminal (Client Computer 4018, Fig. 3) which makes a service request for modification of data within a data base (Col. 43, lines 48-56 and col. 50, lines 9-16);

b. a data base management system responsively coupled to said user terminal via a publicly accessible digital data communication network (Col. 3, line 20 to Col. 4, line 27) having a data base which honors said service request by execution of an ordered sequence of command language statements (787, Fig. 43, col. 36, line 64 to col. 37, line 35); and

c. a data wizard (Figures 27-31) responsively coupled to said user terminal and said data base management system which permits a service request to be defined from said user terminal in accordance with a plurality of discrete and independent steps (Col. 30, line 1 to Col. 31, line 11).

Regarding claim 11, Beall discloses a method of dynamically building a service which modifies data within a data base (Col. 43, lines 48-56 and col. 50, lines 9-16) from a user terminal (Client Computer 4018, Fig. 3, Beall at el.) coupled via a publicly accessible digital data network

(Internet 5124, Fig. 3, Beall at el.) to a remote data base management system (Fig. 6, Figs. 1-3, and Col. 3, line 20 to Col. 4, line 27, Beall at el.) which honors said service by executing an ordered sequence of command language script having a service building process (787, Fig. 43, col. 36, line 64 to col. 37, line 35). Beall teaches an ordered sequence of steps at Fig. 27 through Fig. 31. Beall presents plurality of potential steps within each of the ordered sequence of steps as example of Fig. 30, wherein there are steps of "select the knowledge base" and "select the class". After chosen the desired knowledge base and class, the user click "next" to proceed next one of the order sequence of steps (Fig. 31, Beall at el.). This process repeats until user clicks "Finish" to complete the service.

Regarding claim 16, Beall discloses an apparatus comprising Client Firewall 5125 for permitting a user to access Internet 5124 (Fig. 5), so that data base management services is provided such as service for accessing a data base management system (Fig. 6, and Col. 3, line 20 to Col. 4, line 27) and (Col. 43, lines 48-56 and col. 50, lines 9-16). Designing a service (query building) through specification of an ordered plurality of discrete and independent steps and presenting a plurality of valid potential steps for selection of each of said ordered plurality of discrete and independent steps are addressed in the analysis following: Beall teaches a data wizard an ordered sequence of steps at Fig. 27 through Fig. 31. Beall presents plurality of potential steps within each of the ordered sequence of steps as example of Fig. 30, wherein there are steps of "select the knowledge base" and "select the class". After chosen the desired knowledge base and class, the user click "next" to proceed next one of the order sequence of

steps (Fig. 31, Beall at el.). This process repeats until user clicks "Finish" to complete the service.

Regarding claims 2, 7 and 18, Beall discloses said publically accessible digital data communication network further comprises the Internet (Internet 5124, Fig. 3, Beall at el.).

Regarding claims 3, 9, 13-14 and 20, Beall discloses said user terminal further comprises an industry compatible personal computer (Client Computer 4018, Fig. 3, Beall at el.) having a commercially available browser (WWW Browser 4014, Fig. 3, Beall at el.).

Regarding claims 4, 8, and 17, Beall discloses said data wizard permits said user to define and edit each step in said plurality of steps independently of each of the other steps in said plurality of steps (See col. 30, line 1 to col. 31, line 11).

Regarding claim 5, 10, 15, and 19, Beall discloses a commercial data base management system (See col. 3, lines 31-59, Beall at el.).

Regarding claim 12, Beall further discloses editing said previous discrete and independent step without modification to said subsequent discrete and independent step (See col. 30, line 1 to col. 31, line 11).

***Response to Arguments***

4. Applicant's arguments filed on 08/09/2004 about the claim rejection of the last Office Action have been fully considered, but they are not persuasive.

Applicant argues that Beall does not teach or suggest the new amended claims limitation of modification to the data within the database. The examiner respectfully points out that this limitation is recited at Column 43, lines 48-46, and column 50, lines 9-16 wherein a schema editor of the database management system is provided for modifying and changing the schema or database which is used for query management.

Applicant argues that Beall does not teach or suggest the new amended claim limitation of honoring "said service request by execution of an ordered sequence of command language statements". The examiner respectfully points out that this limitation is recited at reference 787, Fig. 43 and at column 36, line 64 to column 37, line 35.

Applicant argues that various steps to specify service are performed manually by the user instead of the system. The examiner respectfully points out that this limitation is not clearly claimed. Moreover, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

Applicant argues that claim 16 have mean-plus-function limitations, the examiner respective points out that claim 16 as rejected as the system (Fig. 1-3 and Fig. 6) executes steps. Users are the ones who specify steps not execute them.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Merilyn P Nguyen whose telephone number is 571-272-4026. The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*MN*

MN

January 21, 2005

*W. Amsbury*  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER